

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

TIFFINY L. NEAL,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

Case No. 18-CV-1505-JPS

**ORDER**

Plaintiff filed a complaint in this matter and a motion for leave to proceed without prepayment of the filing fee. (Docket #1 and #2). The Court may grant Plaintiff's motion to proceed without prepayment of the filing fee if it determines that: (1) Plaintiff is truly indigent and unable to pay the costs of commencing this action; and (2) Plaintiff's action is neither frivolous nor malicious. 28 U.S.C. § 1915(a) and (e)(2).

As to the first requirement, the privilege to proceed without payment of costs and fees "is reserved to the many truly impoverished litigants who...would remain without legal remedy if such privilege were not afforded to them." *Brewster v. N. Am. Van Lines, Inc.*, 461 F.2d 649, 651 (7th Cir. 1972). On the information she has submitted thus far, the Court cannot conclude that Plaintiff satisfies that definition in this case. In her motion for leave to proceed without prepayment of the filing fee, Plaintiff made statements about her income and expenses under oath. (Docket #2). Plaintiff states that she has no income *or* expenses of any kind. *Id.* She does not attempt to explain this unbelievable scenario in the "other circumstances" portion of the form motion. *Id.*

The Court will give Plaintiff an opportunity to file an amended motion for leave to proceed without prepayment of the filing fee, which provides greater detail on Plaintiff's financial situation. She should do so no later than **October 18, 2018**. If she does not submit an amended motion, she must pay the full filing fee by that date. If she does neither, this action will be dismissed without prejudice.

Accordingly,

**IT IS ORDERED** that Plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **DENIED**; and

**IT IS FURTHER ORDERED** that no later than **October 18, 2018**, Plaintiff shall either 1) file an amended motion for leave to proceed without prepayment of the filing fee, or 2) pay the full filing fee.

Dated at Milwaukee, Wisconsin, this 27th day of September, 2018.

BY THE COURT:



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J. P. Stadtmueller  
U.S. District Judge